

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA
Plaintiff

v.

JOSE VARGAS-SANTANA ,
Defendant.

Criminal No. 08-113 (ADC)

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court is an unopposed Report and Recommendation issued by Magistrate-Judge Camille Vélez-Rivé on December 10, 2008. (**Docket No. 44**). In said Report and Recommendation the Magistrate-Judge recommends that: defendant **José Vargas-Santana** be adjudged guilty of the offenses charged in Counts One and Two (T. 16, U.S.C. § 1538 (a)(1)(B) and (a)(1)(D) and (G) and 16, U.S.C. 1540(b)(1); 18 U.S.C. §§ 2 and 2232(a)) inasmuch as, his plea of guilty was intelligently, knowingly and voluntarily entered.

Neither party has filed objections to the Magistrate-Judge's Report and Recommendation within the time frame provided by the Federal Rules of Criminal Procedure and this Court's Local Rules. See Fed. R. Crim. P. 11; 28 U.S.C. § 636(b)(1)(B); D.P.R. Local Crim. R. 147(b).

After reviewing the record, the Court agrees with the arguments, factual and legal conclusions within the Report and Recommendation. Therefore, the Court hereby **APPROVES** and **ADOPTS** the Magistrate-Judge's Report and Recommendation in its entirety.

Accordingly, a judgment of conviction is to be entered as to Counts One and Two of the indictment in the above-captioned case.

The sentencing hearing is set for March 2, 2009 at 1:30 p.m.

IT IS SO ORDERED.

At San Juan, Puerto Rico, this 19th day of January, 2009.

S/AIDA M. DELGADO-COLON
United States District Judge